IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 29460 of 2004(F)

PETITIONER:

THE MANAGER, ST.THOMAS L.P. SCHOOL,
OLIPPARA, KAIRADY POST, AYALUR (VIA),
CHITTUR TALUK, PALAKKAD DIST.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:
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1. THE STATE OF KERALA, REP. BY THE
SECRETARY TO GOVT., GENERAL EDUCATION DEPT.,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, THIRUVANANTHAPURAM-14.

3. THE DISTRICT EDUCATIONAL OFFICER,
PALAKKAD.

4. THE ASST.EDUCATIONAL OFFICER,
KOLLAMKODE, PALAKKAD DIST.

5. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD.

BY ADV. SRI. K.V. MANOJ, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF SKETCH MAINTAINED BY THE AYALUR GRAMA PANCHAYAT.

EXT.P2: TRUE COPY OF THE SKETCH MAINTAINED BY THE AYALUR GRAMA PANCHAYAT.

EXT.P3: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER TO THE HON'BLE MINISTER IN 1996.

EXT.P4: TRUE COPY OF THE GOVT. ORDER DATED 15.02.99.

EXT.P5: TRUE COPY OF THE PETITION DATED 01.06.2000.

EXT.P6: TRUE COPY OF THE PETITION DATED 26.08.2002.

EXT.P7: TRUE COPY OF THE DOCUMENT NO. 971/75 OF MENMARA SUB REGISTRY OFFICE.

EXT.P8: TRUE COPY OF THE PAGE NO. 1,2,19 TO 22 OF THE NOTIFICATION DT. 28.06.2003.

EXT.P9: TRUE COPY OF THE PAGE NO. 1 AND 6 TO 18 OF THE NOTIFICATION DT. 31.10.2003.

EXT.P10: TRUE COPY OF THE PETITION DATED 10.11.2003.

EXT.P11: TRUE COPY OF THE REVIEW PETITION SUBMITTED IN RESPECT OF THE SCHOOL DATED 12.11.2003.

EXT.P12: TRUE COPY OF THE OF THE ORDERS DT. 22.4.2004, 24.2.2003 AND ORDER DT. 17.03.2004 (3 IN NUMBERS)

EXT.P13: TRUE COPY OF THE JUDGMENT DATED 18.12.2003 PASSED IN WP(C) 400522/03 ON THE FILE OF THIS HON'BLE COURT.

EXT.P14: TRUE COPY OF THE GOVT. ORDER DATED 03.08.2004 PASSED BY THE RESPONDENT NO. 1.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 29460 OF 2004

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Dated this the 6th day of July, 2007.

JUDGMENT

The petitioner approached this Court mainly with the following prayers:

> i) issue a writ of certiorari or other appropriate writ or order or direction quashing Ext.P14 to the extent it is concerned with St. Thomas L.P School at Olippara, Kairadi Post, Palakkad Dist.
> ii) issue a writ of mandamus or other appropriate writ or order of direction directing the respondents to turn St. Thomas L.P School at Olippara as an aided institution in the alternative at any rate turn this school as a recognised institution.

It is stated in the counter affidavit that the request of the manager for recognition of the school will be considered on merit at the next earliest opportunity. In the circumstances, this writ petition is disposed of making it clear that as and when the Government takes a decision either to grant the school in the aided sector or to grant recognised schools in the unaided sector, the case of the petitioner shall be considered. The interim order passed by this Court on 07.10.2004 with regard to the conduct of annual examination and issue of transfer certificates will continue till such time.

KURIAN JOSEPH, JUDGE.

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